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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,646	09/26/2003	Robert H. Kessler	38165-36747	8214

7590 10/05/2005

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EXAMINER

DAVIS, ROBERT B

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,646

Applicant(s)

KESSLER, ROBERT H.

Examiner

Robert B. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 is/are allowed.
- 6) ☒ Claim(s) 14, 18 and 20 is/are rejected.
- 7) ☒ Claim(s) 15-17 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/14/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Rohr (4,459,095: figures 1-4; column 3, lines 5-44, column 4, lines 24-46 and column 7, lines 9-23).

Rohr teaches a method of blow molding articles comprising: providing a blow molding apparatus including a base (15), an extruder (8) having an extrusion head (4), a molding station having a blow position (B) and a pair of molds (1) to define a molding cavity, a plurality of connecting members (10), the connecting members (10) being pivoted to the base (15-see figure 1) and the carriage (2) about first and second pivot axes, inserting parisons into the mold (1) from the extrusion head (4) at a first position (A), and moving the molding station from the first position (A) to the second position (B) by simultaneously pivoting the connecting member relative to the base and relative to the molding station. In regards to claim 18, the reference teaches a plurality of pivoting connecting members (10) as illustrated in figures 2-4.

3. Claims 14 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kagitani et al (6,196,829: figures 1-8 and column 3, lines 59-61).

Kagitani et al teach a method of blow molding comprising: providing a blow molding apparatus comprising a base (48, 49), a molding station (11), an extruder (41) having an extrusion head (4), a connecting member (21) which is pivotally connected to the base and the mold, the connecting member being acted upon by a double acting cylinder (21), wherein the parison is extruded into the molds (11a, 11b) at station A and then the molds are pivoted to a position (C1) wherein the parison is blown into a molded article.

4. Claims 1-13 are allowed over the prior art of record.
5. Claims 15-17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art of record teach or suggest a blow molding apparatus comprising a carriage having first and second molding stations mounted to the carriage and the carriage being movably mounted to the base in a manner such that the carriage is movable along a non-linear path between first and second positions relative to the extruder and in a manner such that the carriage maintains a constant rotational orientation relative to the base as the carriage moves along the non-linear path. The closest prior art (Rohr et al) discloses two stations attached to a carriage (2) which is swung like a pendulum by connecting members attached to a base, but the reference only discloses one blow mold attached to the carriage. Kagitani et al discloses two different carriages, which are swung alternatively between extrusion and blowing

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stations, but fails to teach or suggest the apparatus and method of using the apparatus. Carr (5,695,792) discloses two carriers (4, 40) which are connected and moved linearly, but does not disclose or suggest the carriers being moved along a non-linear path.

In regards to claim 19, none of the prior art teaches or suggests the method of claim 18 wherein the molding apparatus has rigid fluid conduits pivotally connected to the molding station along a fifth pivot axis.

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The remaining references illustrate the state of the art of reciprocating blow molding stations between an extruder and a blowing station.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Davis whose telephone number is 571-272-1129. The examiner can normally be reached on Monday-Friday 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert B. Davis
Primary Examiner
Art Unit 1722

10/2/05